THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 17534 of 2005

Dated: 09.08.2005

Between:

Sunil Kumar Ahuja, s/o. late K.N.Ahuja,

Aged 37 years, occ.: business, r/o. flat no.502,

Surabhi Plaza, 6-2-11/1, Lakdi Ka Pool, Hyderabad

…Petitioner

And

1) The State of A.P., rep. by its Secretary,

Ministry of Municipal Administration,

Secretariat buildings, Hyderabad & two others

Respondents

ORDER:

The Writ Petition is filed challenging the action of the respondents 2 and 3 in according sanction/permission for construction of Ground + two floors with respect to premises bearing no.8-3-230/B/45/B-46 admeasuring 600 sq yards situated at Venkatgiri, Yousufguda, Hyderabad and consequently direct them to process the application and accord sanction/permission for construction as per law.

It is the case of the petitioner that he applied to the respondents 2 and 3 for permission to construct residential apartment in the above land in the year 2004, but the same was not received on the ground that it is not accompanied by No Objection Certificate(NOC) from the Collector and Clearance Certificate from Urban Land Ceiling Authorities, though the same is not mandatory as held by this Court. Aggrieved by the same, he filed Writ Petition No.11126 of 2004 and the same was disposed of on 02.07.2004 directing him to resubmit the application along with entries in TSLR, which shall be considered and disposed of by the respondent no.2. Thereafter, the concerned Mandal Revenue Officer issued a memo stating that it is a patta land and Hyderabad Urban Development Authority issued a letter that the land is in the zone which is earmarked for residential use. The petitioner resubmitted the application along with relevant documents, but the third respondent has again rejected it on 02.06.2005 on the very same ground of non-submission of NOC from the Collector and also that the petitioner did not furnish approved layout/subdivision, though the same are not mandatory. On 08.07.2005, the petitioner resubmitted his application with relevant documents and also with necessary explanation, which was received by the third respondent on the same day, but no orders have been passed thereon. In fact, the petitioner applied for NOC from the Collector on 20.07.2004 itself, but there is no reply therefor from the authorities. Hence, the Writ Petition.

Having heard both the counsel and on perusal of the record, it is seen that earlier, this Court directed the respondents to consider and dispose of the application of the petitioner for sanction of building permission in accordance with law, after its resubmission with relevant documents, as per Order dated 02.07.2004 in Writ Petition No.11126 of 2004. Admittedly, the application of the petitioner dated 08.07.2005 for the sanction is pending with the respondents and no orders have been passed thereon by the authorities. In the circumstances, I deem it appropriate to direct the respondents to consider and dispose of the application of the petitioner as per 4(2) of the building bye-laws of the Municipal Corporation of Hyderabad, at the earliest.

The Writ Petition is, accordingly, disposed of. No order as to costs.

09.08.2005

DRK